

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,
v.

PEOPLEMARK, INC.,

Case No. 1:08-cv-907
Robert J. Jonker
United States District Judge

Defendant.

MOTION TO DISMISS

Defendant Peoplemark, Inc. (Peoplemark) respectively moves to dismiss the Complaint filed herein because it does not meet the minimum pleading requirements under Rule 8 (a)(2) *Federal Rules of Civil Procedure* as interpreted by the United States Supreme Court in its recent decisions *Bell Atlantic Corp. v. Twombly*, 550 U.S. 554 (2007) and *Ashcroft v. Iqbal*, 129 S.Ct. 1937 (2009). In support of this motion, the court is respectfully referred to the Memorandum in Support of the Motion to Dismiss filed herein of even date.

WHEREFORE, Defendant Peoplemark moves to dismiss the Complaint for the reasons stated herein.

Respectfully submitted,

s/Edward R. Young
Edward R. Young
Tennessee Bar No. 008373
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.
First Tennessee Building
165 Madison Avenue, Suite 2000
Memphis, TN 38103
901-577-2341
eyoung@bakerdonelson.com

CERTIFICATE OF SERVICE

The undersigned certifies that on July 6, 2009, the foregoing Motion to Dismiss was served on the parties listed below via Electronic filing:

Laurie A. Young
Regional Attorney
Laurie.young@eeoc.gov

Deborah M. Barno (P44525)
Supervisory Trial Attorney
Deborah.barno@eeoc.gov

Omar Weaver (P58861)
Trial Attorney
Omar.weaver@eeoc.gov

Dale Price
dale.price@eeoc.gov

Equal Employment Opportunity
Commission
Detroit Field Office
Patrick V. McNamara Building
477 Michigan Avenue, Room 865
Detroit, Michigan 48226
313-226-3407

s/Edward R. Young _____